

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

3M Company and 3M Innovative Properties
Company,

Plaintiff,

v.

Danville Materials, LLC,

Defendant.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs 3M Company and 3M Innovative Properties Company (collectively, “Plaintiffs” or “3M”) for their Complaint for Patent Infringement against Defendant Danville Materials, LLC (“Defendant” or “Danville”) hereby allege as follows:

NATURE OF THIS ACTION

1. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 271, 281-285.

THE PARTIES

2. Plaintiff 3M Company is a corporation organized and existing under the laws of the state of Delaware and having its principal place of business at 3M Center, St. Paul, Minnesota 55133.

3. Plaintiff 3M Innovative Properties Company is a corporation organized and existing under the laws of the state of Delaware and having its principal place of business at 3M Center, St. Paul, Minnesota 55133.

4. On information and belief, Defendant Danville Materials, LLC is a limited liability corporation organized and existing under the laws of the state of Delaware and having its principal place of business at 3420 Fostoria Way, Suite A-200, San Ramon, California 94583.

JURISDICTION AND VENUE

5. This Court has jurisdiction over the subject matter of this Complaint pursuant to 28 U.S.C. §§ 1331 and 1338(a) because the claims alleged herein arise under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.*

6. This Court has personal jurisdiction over Danville under Minn. Stat. § 543.19 and the Due Process Clause of the United States Constitution. Danville transacts business in Minnesota and has otherwise committed acts of infringement of one or more claims of the patent at issue in this action in Minnesota, causing injury in Minnesota. Danville has continuous and systematic contacts with the state of Minnesota, including by intentionally directing its products for sale into the state of Minnesota. On information and belief, Danville maintains relationships with dealers and/or distributors in the state of Minnesota to deliberately cause the sale, offer for sale, and/or use of its products, including the infringing ZNano product, in the state of Minnesota. Therefore, Danville has intended to benefit from doing business in the state of Minnesota.

7. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

FIRST CLAIM FOR RELIEF
INFRINGEMENT OF U.S. PATENT 6,572,693

8. On June 3, 2003, the United States Patent and Trademark Office duly and legally issued United States Patent No. 6,572,693 (“the ’693 Patent”), entitled “Aesthetic Dental Materials,” naming as inventors Dong Wu, Brian N. Holmes, Brant U. Kolb, Sumita B. Mitra,

and Wendy L. Thompson. The '693 Patent generally relates to a dental material containing a hardenable resin and a filler comprising clusters of nano-sized particles and non-agglomerated nano-sized particles. A true and correct copy of the '693 Patent is attached hereto as Exhibit A.

9. All right, title, and interest in and to the '693 Patent have been assigned to 3M Innovative Properties Company, which is the sole owner of the '693 Patent. 3M Company is the exclusive licensee of the '693 Patent.

10. Danville has directly infringed and is continuing to directly infringe one or more claims of the '693 Patent, literally and/or under the doctrine of equivalents, by making, using, offering to sell, and/or selling within the United States, and/or importing into the United States, at least its ZNano universal nanocomposite ("ZNano").

11. Plaintiffs have suffered monetary damages as a result of Danville's infringement of the '693 Patent in an amount to be determined at trial.

12. Since ZNano has been on the market, Plaintiffs have complied with the marking requirement of 35 U.S.C. § 287, including by marking their Filtek Supreme products with the '693 Patent.

13. Plaintiffs have suffered irreparable harm by Danville's infringement of the '693 Patent and will continue to suffer irreparable harm in the future unless Danville is enjoined from infringing the '693 Patent.

DEMAND FOR A JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiffs respectfully request a trial by jury of any and all issues on which a trial by jury is available under the applicable law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request of this Court:

- A. To enter judgment that Danville has infringed the claims of the '693 Patent in violation of 35 U.S.C. § 271;
- B. To enter an order permanently enjoining Danville and its respective officers, agents, servants, and employees, and all persons in active concert or participation with any of them, from infringing the claims of the '693 Patent in violation of 35 U.S.C. § 271;
- C. To award 3M Company and 3M Innovative Properties Company an accounting for damages and their respective damages in amounts sufficient to compensate them for Danville's infringement of the claims of the '693 Patent, together with pre-judgment and post-judgment interest and costs, pursuant to 35 U.S.C. § 284;
- D. To declare this case to be "exceptional" under 35 U.S.C. § 285 and to award Plaintiffs their attorneys' fees, expenses, and costs incurred in this action; and
- E. To award Plaintiffs such other and further relief as this Court deems just and proper.

GREENE ESPEL PLLP

Dated: March 25, 2015

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